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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3263/2014 & CM APPL. 6739/2014

AMAN LEKHI & ORS. Petitioners
Through Petitioners, Mr. Aman Lekhi and
Ms. Manali Singhal in person with
Ms. Richa Oberai and Mr. Abhikalp
P. Singh, Advocates.

versus

UNION OF INDIA & ORS. Respondents
Through Mr. B.V. Niren, CGSC for R-1/UOI.
Mr. A.S. Chandhiok, Senior Advocate
with Mr. Manoj K. Das, Advocate for
R-19/NBCC.
Mr. Sanjeev Goyal, Advocate for R-2,
13, 17 & 18.
Mr. Pushkar Sood with Mr. Dharmender
Sharma, Advocates and Mr. A.S. Rao,
Law Officer for R-5/DMRC.
Mr. B. Mahapatra, Advocate with
Mr. D. Jindal, Law Officer for R-8.
Mr. Arjun Pant, Advocate for DDA.
Mr. Chitranshul Sinha with Mr. Kabin
David, Advocates for R-10.
Mr. Jayant Tripathi, Advocate for
R-11.

**CORAM:
HON'BLE MR. JUSTICE MANMOHAN**

**ORDER
03.07.2014**

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Despite opportunity, no counter-affidavit has been filed by the main contesting parties, namely, NBCC, Union of India and DDA.

Mr. Aman Lekhi, petitioner no. 1 who appears in person has drawn this Court's attention to the affidavit filed by the respondent-Delhi Urban Arts Commission (DUAC) to contend that vide its letter dated 14th/16th August, 2012 addressed to M/s. Chapman Taylor, DUAC had rejected the initial proposal of construction of 5000 flats in 76 typical tower blocks spread over 86 acres on various grounds including the ground that the existing road network did not have the capacity to hold the enhanced FAR and the project would have led to cutting of more than 2400 trees.

Mr. Lekhi points out that subsequently, the DUAC approved the revised proposal of NDMC for not only 4747 houses of category of Type-II to Type-VII but also commercial space of 1,04,413 sq. mtr. (FAR area). In this connection, he refers to NBCC's brochure titled as "Redevelopment of East Kidwai Nagar, New Delhi".

Mr. Lekhi states that if commercialisation and redevelopment of East Kidwai Nagar, as envisaged, is allowed, it would amount to creating an urban slum in the heart of the city.

On the other hand, Mr. A.S. Chandhiok, learned senior counsel appearing for the implementing agency, i.e., respondent-NBCC states that the project has been approved by all the statutory authorities. He states that even the first conceptual proposal had been approved by the Union Cabinet in 2010 with a 10% commercial space component. He further states that the project is in consonance with the Master Plan of Delhi.

Mr. Chandhiok lastly states that at least for one year, there is no possibility of handing over of possession of any portion of the project to any

third party.

In rejoinder, Mr. Lekhi disputes the contentions advanced by Mr. Chandhiok.

Since, NDMC has submitted the proposal in question, they are impleaded as a respondent. Let an amended memo of parties be filed within a period of one week.

However, this Court finds that none of the respondents who have filed their counter-affidavits have even taken the stand that the East Kidwai Nagar project of NDMC is in accordance with the Master Plan of Delhi or the Zonal Development Plan or Lay Out Plan.

In the absence of a counter-affidavit by the UOI as well as NBCC and DDA this Court is not in a position to conclude that any statutory authority has studied the impact of commercialisation and redevelopment of East Kidwai Nagar on the infrastructure as well as the right to life of residents of the adjoining areas, like South Extension.

This Court takes judicial notice that the existing infrastructure of road, water and electricity in Delhi and, in particular, in South Delhi is already 'severely overburdened'. No material has been placed on record to indicate that any proposal for additional road, flyover, underpass or augmentation of electricity or water supply has been approved by any statutory authority in anticipation of the impugned redevelopment plan.

Since this Court is of the view that any interdiction would impede a large project envisaged by the Union of India, it had on the last date of hearing suggested that the Hon'ble Lieutenant Governor of NCT of Delhi should examine the concern of residents who have filed the present petition.

Today, Mr. Sanjeev Goyal, learned counsel appearing for Government of NCT of Delhi states that Hon'ble Lieutenant Governor has kindly consented to examine the concern of the residents who have filed the present writ petition. Consequently, the Hon'ble Lieutenant Governor is requested to revisit the project and analyse its impact on existing infrastructure as well as lives of residents in the neighbourhood in particular with regard to noise, air pollution as well as traffic congestion. Remedial measures, if any, like augmentation of infrastructure should also be examined by the Hon'ble Lieutenant Governor.

A senior representative each from all respondents and all agencies would be personally present before the Lieutenant Governor as and when he convenes the meeting in the last week of July. It is made clear that Lieutenant Governor has the discretion to convene as many meetings or invite any other person or organisation as he deems fit and proper.

This Court makes it clear that it is not passing any further interim order in view of the statement made by Mr. A.S. Chandhiok. However, the first interim order shall continue till next date of hearing.

Let the counter-affidavits be filed within four weeks. Rejoinder, if any, be filed before the next date of hearing.

List on 29th September, 2014.

Order dasti under signature of Court Master.

MANMOHAN, J

JULY 03, 2014

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